

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: **MICHELLE DENISE PORTER**

Case Number: **17-54551-MAR**
Chapter 13
Judge **RANDON**

Debtor.

WILLIAM D. JOHNSON (P54823)
ACCLAIM LEGAL SERVICES, P.L.L.C.
8900 E. 13 Mile Road
Warren, MI 48093
(248) 443-7033

**OBJECTION TO PROOF OF MICHIGAN DEPARTMENT OF TREASURY
(PACER CLAIM 5)**

Debtors, by and through counsel, Acclaim Legal Services, PLLC, object to the proof of claim of Michigan Department of Treasury and state as follows:

1. Debtors filed a Chapter 13 Bankruptcy on October 8, 2017.
2. Creditor, Michigan Department of Treasury, filed proof of claim #5 on March 15, 2018.
3. Creditor filed its proof of claim reflecting estimated liabilities owed by Debtor for 2015 and 2016 Taxes.
4. Debtor did not have tax liabilities for 2015 or 2016 as Debtor was not required to file City of Detroit Tax returns for the Tax years in question as Debtor only receives Social Security income and is not otherwise required to file Tax Returns.

Wherefore, Debtors pray the Court grant the objection and deem the claim disallowed.

Dated: July 26, 2019

/s/ Brian D. Rodriguez
Brian D. Rodriguez (P57194)
Acclaim Legal Services, PLLC
8900 E. 13 Mile Road
Warren, MI 48093
(248) 443-7033
filing@acclaimlegalservices.com

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PROPOSED
ORDER GRANTING OBJECTION TO PROOF OF MICHIGAN DEPARTMENT OF
TREASURY (PACER CLAIM 5)

This matter having come on for hearing before the Court by way of the objection of the Debtor to the allowance of the claim of the above referenced creditor, service having been made with a notice of hearing allowing a (33) day notice pursuant to Bankruptcy Rule 3007, a Notice of Objection having been served and a certificate of non-response having been filed with the court;

NOW THEREFORE IT IS HEREBY ORDERED THAT;

The objection to the Proof of Claim filed by the above referenced creditor is hereby granted. To the extent that the Standing Chapter 13 Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup the same.

IT IS FURTHER ORDERED AS FOLLOWS: (Only provisions checked below apply)

[X] The proof of claim of the Michigan Department of Treasury shall be disallowed in entirety.

EXHIBIT

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**NOTICE OF OBJECTION TO PROOF OF CLAIM OF
MICHIGAN DEPARTMENT OF TREASURY (PACER CLAIM 5)**

Debtors have filed an objection to the claim in this bankruptcy case.

Your claim may be reduced, modified or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before September 11, 2019 you or your lawyer must:

1. File with the court a written response to the objection, explaining your position at:

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleading electronically.

You must also mail a copy to:

William D. Johnson
Acclaim Legal Services, PLLC
8900 E. 13 Mile Road
Warren, MI 48093

Krispen S. Carroll , Chapter 13 Standing Trustee
719 Griswold, Suite 1100
Detroit, MI 48226

Michigan Department of Treasury
P.O. Box 30168
Lansing MI 48909

2. Attend a hearing on the objection, scheduled to be held on **Wednesday September 18, 2019 at 12:00 pm** in The Honorable Judge Randon's Courtroom 1825 at 211 West Fort Street, Detroit, MI 48226, unless your attendance is excused by mutual agreement between yourself and the objector's attorney (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.

If you or your attorney do not take these steps, the court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Dated: July 26, 2019

/s/ Brian D. Rodriguez
Brian D. Rodriguez (P57194)
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PROOF OF SERVICE

Leanna B. Sikes , hereby certifies that on July 26, 2019 she served a copy of the following documents electronically or by United States Postal Service:

- Objection to Proof of Claim
- Notice of Objection to Proof of Claim
- Proof of service

Upon: Krispen S. Carroll , Chapter 13 Standing Trustee
719 Griswold, Suite 1100
Detroit, MI 48226

Michigan Department of Treasury
P.O. Box 30168
Lansing MI 48909

Dated: July 26, 2019

/s/ Leanna B. Sikes
Leanna B. Sikes
Acclaim Legal Services, PLLC
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